

REMARKS

I. Amendments to the Claims

After entry of this Amendment, claims 1-6 and 9-17 will be pending in the application.

Claim 1 has been amended to recite the subject matter of original claim 8.

Claims 7 and 8 have been canceled.

Claim 9 has been amended to depend from claim 1 rather than from claim 8.

Claims 10, 13, and 16 have been rewritten in independent form.

Several minor editorial amendments have also been made to claims 1 and 15. The editorial amendments are not intended to change the scope of the claims.

No new matter has been added, and Applicants respectfully request entry of these amendments.

II. Claim to Priority

The Examiner has not yet acknowledged Applicants' claim to priority nor indicated that the certified copy of the priority document has been received.

Priority in the present application is claimed from GB Application No. 0201470.2, filed January 3, 2002 (see July 22, 2004 Transmittal Letter from entry of National Stage). Further, Applicants have requested the International Bureau to forward the priority document to the national offices. Therefore, the International Bureau should provide the priority document to the

USPTO. A copy of the Notification Concerning Submission or Transmittal of Priority Document (PCT/IB/304) is attached hereto.

Accordingly, Applicants respectfully ask the Examiner to acknowledge Applicants' claim to priority and request the International Bureau to forward the priority document.

III. Information Disclosure Statements

The Examiner has initialed and returned a copy of one of two PTO/SB/08 Forms that were submitted with the Information Disclosure Statement (IDS) filed on July 22, 2005. However, the Examiner did not return an initialed copy of the additional PTO/SB/08 Form accompanying the IDS filed on July 22, 2005.

Accordingly, Applicants include herewith a copy of the PTO/SB/08 Form which has not yet been initialed, and again request the Examiner to sign and initial the form thereby indicating that all references have been considered.

IV. Objections to the Specification

At page 2 of the Office Action, the Examiner indicated that the section headings in the specification should be amended to conform with the guidelines provided in 37 C.F.R. § 1.77(b).

In response, Applicants have amended the specification as required by the Examiner.

Thus, Applicants respectfully request reconsideration and withdrawal of this objection.

V. Claim Rejections Under 35 U.S.C. § 102

At pages 3 and 4 of the Office Action, claims 1-7 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lieberman (U.S. Patent No. 4,627,433).

The Examiner indicated that Lieberman teaches a tracheostoma valve that meets all of the limitations of claims 1-7 and 12. The Examiner relied on Figs. 11 and 12 and the disclosure at columns 7 and 8 of the reference as the basis for the rejection.

Claim 7 has been canceled, rendering this rejection moot as to claim 7.

With regard to claims 1-6 and 12, Applicants note that independent claim 1 has been amended to recite the subject matter of original claim 8. Claims 2-6 and 12 depend ultimately from claim 1. Because the Examiner has indicated that claim 8 recites patentable subject matter (see page 5 of the Office Action), such amendments should be sufficient to overcome this rejection with regard to claims 1-6 and 12.

Thus, Applicants respectfully request reconsideration and withdrawal of the anticipation rejection.

VI. Allowable Subject Matter

At page 5 of the Office Action, the Examiner stated that claims 8-11 and 13-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As noted above, claim 1 has been amended to recite the subject matter of claim 8. Claims 2-6, 9, and 12 depend ultimately from claim 1. In addition, claims 10, 13, and 16 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims. Remaining claims 11, 14, 15, and 17 depend ultimately from claims 10, 13, or 16.

Accordingly, the amendments to the claims should place the present application in condition for allowance.

VII. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No.: 10/502,293

Atty. Docket No.: Q82451

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

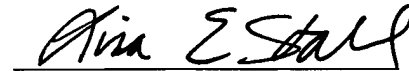
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